

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

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|---------------------------|---|-----------------------------------|
| BRUCE HAMPTON FERGUSON, | : | |
| | : | |
| Petitioner, | : | NO. 5:04-CR-62 (CAR) |
| VS. | : | |
| UNITED STATES OF AMERICA, | : | Proceedings Under 28 U.S.C. §2255 |
| | : | Before the U.S. Magistrate Judge |
| Respondent. | : | |

RECOMMENDATION

Before the Court is a Motion to Vacate, Set Aside, or Correct a sentence under 28 U.S.C. §2255 filed by Petitioner Bruce Hampton Ferguson. Doc. 66. In this motion, Petitioner contends that his sentence should be vacated and that he should be resentenced in accordance with the United States Supreme Court's decision in Chambers v. U.S., 555 U.S. 122 (2009). Upon review, it appears that Petitioner has previously, albeit unsuccessfully, filed a Motion to Vacate, Set Aside, or Correct his sentence in this case. See Doc. 25 & Doc. 45. As such, in accordance with 28 U.S.C. §2255(h), this Court's consideration of the instant motion is precluded absent prior authorization by the Eleventh Circuit Court of Appeals. As there is nothing to indicate that any such authorization has been given, it is **RECOMMENDED** that the motion be **DENIED**.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this recommendation with the district judge to whom this case is assigned, **WITHIN FOURTEEN (14) DAYS** after being served with a copy thereof. The Clerk is directed to serve Petitioner at the last address provided by him.

SO RECOMMENDED, this 6th day of June, 2011.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge

